

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

<b>IN RE: CJ HOLDING CO., et.al</b>	<b>§</b>	<b>CASE NO. 16-33590 (DRJ)</b>
<b>Debtor.</b>	<b>§</b>	<b>CHAPTER 11</b>

**MOTION FOR WITHDRAWAL AND SUBSTITUTION OF COUNSEL**

**TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:**

**NOW COME** Amie Augenstein and Christopher J. Gale, of GALE LAW GROUP, PLLC, asking this court to allow Kay Walker to withdraw as attorney of record for Robin Gardiner and to allow Amie Augenstein and Christopher J. Gale to substitute in as counsel of record for Plaintiff.

**I. BACKGROUND FACTS**

1. Gardiner filed her *Original Complaint* against Debtor, CJ Energy Services, Inc. (“Debtor”) on October 19, 2015, in the United States District Court, Southern District of Texas, Corpus Christi Division, Case No. 2:cv-15-00444.
2. On March 1, 2016, the Court ordered a change in the style of the case, thereby substituting in C&J Spec-Rent Services, Inc., as the named defendant.
3. Debtor filed a voluntary petition for relief under Chapter 11 of the Bankruptcy Code on July 20, 2016. Debtor filed its *Suggestion of Bankruptcy* in the United States District Court case on July 26, 2016. On August 1, 2016, the United States District Judge entered an *Order of Bankruptcy Stay*.
4. Gardiner filed a timely *Proof of Claim* in this case on or about October 20, 2016 (Claim # 1218).
5. On October 13, 2017, Debtor filed its *Twenty Ninth Omnibus Objection to Certain Proofs of Claim* (Inconsistent with Debtors’ Books and Records – No liability) (Docket #1921). Debtor asserts

in its Claim Objection “[p]ursuant to the Debtors’ book and records no pre-petition liability is payable related to this claim.” No further grounds for objection were raised.

6. Gardiner’s response to Debtor’s October 13, 2017, pleading was due on November 13, 2017, by 4:00 p.m.

7. On that same date prior to the deadline, the undersigned – who is licensed in the Southern District of Texas and registered to electronically file in said district – attempted to e-file Gardiner’s *Response to Reorganized Debtors’ Twenty Ninth Omnibus Objection to Certain Proofs of Claim* (docket #1921). The undersigned counsel did not realize that registration to file in the Bankruptcy Court was not included in her Southern District registration, and thus, was unable to timely e-file Gardiner’s response.

8. Upon realizing she could not timely e-file Gardiner’s response, the undersigned counsel contacted a colleague – Kay B. Walker – who is registered to electronically file in the Southern District Bankruptcy Court. Ms. Walker – who does not represent Robin Gardiner – e-filed Gardiner’s *Response to Reorganized Debtors’ Twenty Ninth Omnibus Objection to Certain Proofs of Claim*.

9. On that same date, the undersigned counsel filed her registration form for Bankruptcy Court electronic filing in the Southern District.

## II. ARGUMENT

10. Robin Gardiner consents to this substitution of lead counsel and to the withdrawal of Kay Walker as counsel in this case. The substitution of counsel is for good cause and not for delay, but so that justice may be done. There is good cause for this Court to grant the motion to withdraw. Specifically, withdrawal can be accomplished without material adverse effect on the interests of the client. The withdrawal and substitution of counsel will not delay these proceedings.

**WHEREFORE PREMISES CONSIDERED**, Robin Gardiner prays that this Court grant this *Motion for Withdrawal and Substitution of Counsel for Petitioner*, and allow Amie Augenstein and Christopher J. Gale to substitute as counsel for Robin Gardiner.

Respectfully submitted,

**GALE LAW GROUP, PLLC**  
711 N. Carancahua St., Suite 514  
Corpus Christi, Texas 78401  
Mailing Address:  
P.O. Box 2591  
Corpus Christi, Texas 78403  
Phone Number: 361-808-4444  
Fax Number: 361-232-4139

By: /s/ Amie Augenstein  
Amie Augenstein  
Texas Bar No. 24085184  
Southern District Bar No. 2236723  
Amie@GaleLawGroup.com

/s/ Christopher J. Gale  
Christopher J. Gale  
Texas Bar No. 00793766  
Southern District Bar No. 27257  
Chris@GaleLawGroup.com

AND

By: /s/ Kay B. Walker  
Kay B. Walker  
LAW OFFICE OF KAY B. WALKER  
615 Leopard St., Suite 635  
Corpus Christi, Texas 78401  
Email: KayWalker@KayWalkerLaw.com  
Telephone: (361) 533-2476  
Texas Bar No. 20713400  
Southern District Bar No. 53278

**CERTIFICATE OF CONFERENCE**

The undersigned counsel hereby affirms that on this date, she contacted counsel for Debtors. Counsel for Debtors, are not opposed to the filing of this motion.

/s/ Amie Augenstein  
Amie Augenstein

**NOTICE OF ELECTRONIC FILING**

The undersigned counsel hereby certifies that she has electronically submitted for filing a true and correct copy of the above and foregoing in accordance with the Electronic Case Files System of the Southern District of Texas on the 14<sup>th</sup> day of November, 2017.

/s/ Amie Augenstein  
Amie Augenstein

**CERTIFICATE OF SERVICE**

I hereby certify that on this the 14<sup>th</sup> day of November, 2017, the above and foregoing was sent to the following counsel of record by the means indicated below:

**Bernard R. Given II**

bgiven@loeb.com

**Lance N. Jurich**

ljurich@loeb.com

**Vadim J. Rubinstein**

vrubinstein@loeb.com

**Daniel B. Besikof**

dbesikof@loeb.com

LOEB & LOEB LLP

10100 Santa Monica Boulevard, Suite 2200

Los Angeles, California 90067

Tel: (310) 282-2000

Fax: (310) 282-2200

***Via E-File Notification***

/s/ Amie Augenstein  
Amie Augenstei